

## **Remarks**

The Applicant requests that the above Amendment be entered and the application examined as amended, and in view of the remarks below.

By this Amendment, claim 65 was amended, claims 67, 71, 72, 75, 76, 78, and 79 were cancelled, and new claims 85-93 were introduced. The addition of "new matter" has been scrupulously avoided.

Claims 65, 66, 68-70, 73, 74, 77, 80, and 85-93 are now pending in this application.

The Applicant recognizes with appreciation Examiner Charles Philips' willingness to discuss the present invention with the undersigned agent, as evidenced by the Interview Summary mailed August 7, 2006.

### **1. Support of Claim Changes**

Claim 65 was amended and new claims 85-93 were introduced to the claims in the above Amendment. Support for each claim amendment is identified in Table 1 below.

Table 1		
Support for Claim Amendments		
<u>Claim</u>	<u>Limitation</u>	<u>Support</u>
65	"a sound wave distributor"	6:39-59 and Figure 2A
85, 89	"a cavity and a chamber"	6:43-47 and Figure 2A
86, 90	"a cavity and a chamber in the spa housing"	6:43-47 and Figure 2A
87, 91	"at least one inlet and a plurality of outlets"	6:53-59 and Figure 2A
88	"a sound wave distributor"	6:39-59 and Figure 2A
92	"integral with the at least one speaker"	6:47-48

Table 1 Support for Claim Amendments		
<u>Claim</u>	<u>Limitation</u>	<u>Support</u>
93	"positioned one of beneath and within the head rest"	9:4-10

## **2. Response to Obviousness Rejections in view of Ludlow and Kvalvik**

On page 2 of the Action, the Patent Office rejected claims 65, 67, 68, 70, 71, and 74-80 under 35 U.S.C. 103(a) as obvious in view of the combined teachings of U.S. Patent 5,754,989 of Ludlow [herein "Ludlow"] and U.S. Patent 5,715,546 of Kvalvik [herein "Kvalvik"]. The Applicant submits that these rejections are inappropriate and requests that they be reconsidered and withdrawn.

In the above amendment, claim 65 was amended to introduce "a sound wave distributor" to the claimed sound system for a spa. The Applicant submits that neither Ludlow nor Kvalvik, nor any of the other art of record, provide this teaching of a perforated head rest for a spa having a sound wave distributor, for example, to assist in distributing the sound waves to the perforations. In contrast, Kvalvik's audio equipment A is mounted directly to the perforated openings of head rest 30, that is, without a sound wave distributor or any structure that functions as a sound wave distributor. Lacking this teaching or a suggestion for this teaching, the Applicant respectfully submits that the invention recited in amended claim 65 is not obvious in view of Ludlow and Kvalvik. The Applicant requests that this rejection be reconsidered and withdrawn.

A related aspect of the invention is recited in new claims 88-93, which are also not obvious in view of Ludlow and Kvalvik for similar reasons.

With respect to the rejections of dependent claims 67, 68, 70, 71, and 74-80, the Applicant submits that these claims are not obvious in view of Ludlow and Kvalvik for the same reasons that claim 65, from which they depend, is not obvious. The Applicant respectfully requests that these rejections also be reconsidered and withdrawn.

**Conclusion**

The Applicant believes that the above Amendment, in view of the above Remarks, places the application in condition for allowance. A favorable action on the merits of the application is requested. If a telephone conference would be of assistance in advancing prosecution of this application, the Applicant's undersigned Agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

  
John Pietrangelo  
Agent for Applicants  
Registration No. 39,331

Dated: October 9, 2006

**HESLIN ROTHENBERG FARLEY & MESITI P.C.**

5 Columbia Circle  
Albany, New York 12203-5160  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579  
jp@hrfmlaw.com